



**RCA  
CITY OF AUSTIN  
RECOMMENDATION FOR COUNCIL ACTION**

**AGENDA ITEM NO.: 15  
AGENDA DATE: Thu 02/12/2004  
PAGE: 1 of 2**

**SUBJECT:** Approve a resolution authorizing the filing of eminent domain proceedings to acquire from Meadows of Carson Creek Corporation, a Texas Corporation, eight easements described as follows:

(A) out of Lot 11, Block A, Carson Creek Addition, Section 4, Travis County, TX, located at 9316 Carson Creek Boulevard

(1) an 887 square foot permanent wastewater line easement and

(2) a 1,798 square foot temporary working space easement;

(B) out of Lot 12, Block A, Carson Creek Addition, Section 4, Travis County, TX, located at 9318 Carson Creek Boulevard

(3) a 2,328 square foot wastewater line easement,

(4) a 4,769 square foot temporary working space easement,

(5) a 1,554 square foot water and wastewater easement,

(6) a 1,321 square foot temporary working space easement,

(7) a 1,578 square foot water line easement, and

(8) 1,248 square foot temporary working space easement, in the amount of \$2,171 for the Del Valle Annexation Project.

**AMOUNT & SOURCE OF FUNDING:** Funding is included in the Fiscal Year 2003-2004 Capital Budget of the Austin Water Utility.

**FISCAL NOTE:** A fiscal note is attached.

**REQUESTING** Public Works                      **DIRECTOR'S**  
**DEPARTMENT:**for Austin Water Utility; **AUTHORIZATION:** Sondra Creighton

**FOR MORE INFORMATION CONTACT:** Lauraine Rizer, 974-7078; Laura Bohl, 974-7064

**PRIOR COUNCIL ACTION:** N/A

**BOARD AND COMMISSION ACTION:** N/A

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The design plans for the Del Valle Annexation Project require the acquisition of two permanent wastewater line easements, one water line easement, one water and wastewater line easement, and four temporary working space easements across land located at 9316 and 9318 Carson Creek Boulevard.

The City of Austin has attempted to purchase the easements from the landowner, but the parties have been unable to agree on an appropriate price. The City offered \$2,171 for the easements and Meadows of Carson Creek Corporation counter offered \$70,000.00. The Law Department is requesting authorization to file a suit in eminent domain on behalf of the City of Austin.



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**RESOLUTION NO. 040212-**

**WHEREAS**, the Council finds that the property described in the attachment is necessary for a public use; and

**WHEREAS**, the City has been unable to agree with the owner on the fair market value of the property interests to be acquired; **NOW, THEREFORE,**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

The City Attorney is authorized to file a suit in eminent domain and take other action deemed appropriate to economically effect the needed acquisition of the property.

The owner of the property to be acquired is Meadows of Carson Creek Corporation and the property is located at 9316 and 9318 Carson Creek Boulevard, Austin, Travis County, Texas.

**ADOPTED:** \_\_\_\_\_ February 12 \_\_\_\_\_, 2004

**ATTEST:** \_\_\_\_\_

Shirley A. Brown  
City Clerk

# CIP FISCAL NOTE

**DATE OF COUNCIL CONSIDERATION:**  
**WHERE ON AGENDA:**  
**DEPARTMENT:**

2/12/2004  
Resolution  
Austin Water Utility

**DESCRIPTION:**

Approve a resolution authorizing the filing of eminent domain proceedings to acquire four permanent wastewater easements comprised of 887 square feet of land and a temporary working space easement comprised of 1,798 square feet of land out of Lot 11, Block A, Carson Creek Addition, Section 4, Travis County, TX, located at 9316 Carson Creek Boulevard; and three permanent wastewater easements comprised of 2,328 square feet of land, 1,554 square feet of land and 1,578 square feet of land; and three temporary working space easements comprised of 4,769 square feet of land, 1,321 square feet of land and 1,248 square feet of land out of Lot 12, Block A, Carson Creek Addition, Section 4, Travis County, TX, located at 9318 Carson Creek Boulevard, from *Meadows of Carson Creek Corporation, a Texas Corporation*, in the amount of \$2,171 for the Del Valle Annexation Project.

**FINANCIAL INFORMATION:**

Parent Project Name:	Wastewater Unfunded Future
Project Authorization:	2003-04 Approved Capital Budget
Funding Source:	Commercial Paper
Number:	4570 237 2017

Current Appropriation	\$ 410,907,293.00
Unencumbered Balance	196,123,998.04 *
Amount of This Action	<u>(2,171.00)</u>
Remaining Balance	<u>\$ 196,121,827.04</u>
Current Available Balance	\$ 219,405,927.08
Less Outstanding Commitments	<u>(23,281,929.04)</u>
Estimated Unencumbered Balance	<u>\$ 196,123,998.04 *</u>

Utility Finance: \_\_\_\_\_



David Anders, Utilities Finance Manager

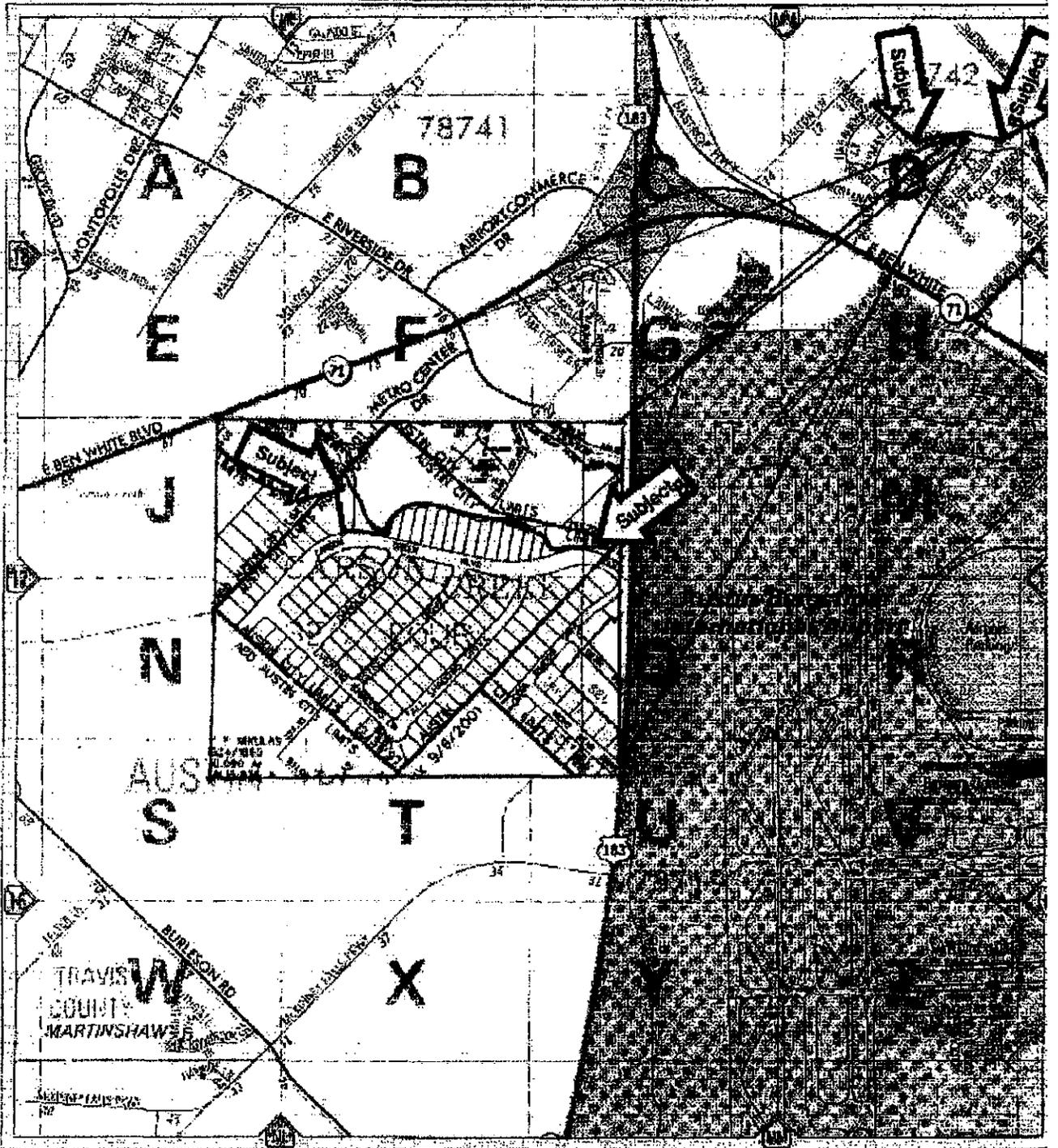
Date: \_\_\_\_\_

1/20/04

**REF. #4570 237 8883**



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